

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460



AUTHENTICATION

I, Lynn Vendinello, attest that I am the Director of the Communications Services and Information Division, Office of Program Support of the United States Environmental Protection Agency (EPA) and that the attached documents are true, correct, and compared copies of the file copies in my legal custody, consisting of:

1. April 8, 2022, EPA's Michal Freedhoff letter to CalEPA's Lauren Zeise concerning glyphosate and Proposition 65 (2 pages).
2. June 30, 2022, EPA's Michael Goodis email to CalEPA's Lauren Zeise concerning glyphosate and Proposition 65 (3 pages).

Subscribed under the penalty of perjury on this 24th day of October, 2022.

Lynn Vendinello

Lynn Vendinello, Director
Communications Services and Information Division
Office of Program Support

CERTIFICATION OF TRUE COPY

I, Charlotte Youngblood, certify that I am the Acting Associate General Counsel, General Law Office, Office of General Counsel, of the United States Environmental Protection Agency; that I am the designee of the General Counsel for the purpose of executing certifications under 40 C.F.R. sec. 2.406; that I have duties in Washington, District of Columbia; and that the official whose signature appears above has legal custody pursuant to 40 C.F.R. sec. 2.406 of the original documents, copies of which are attached, as witnessed by my signature and the official seal of the United States Environmental Protection Agency.

Charlotte Youngblood
Acting Associate General Counsel
General Law Office
Office of General Counsel

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 8, 2022

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dr. Lauren Zeise
Director
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1001 I Street
Sacramento, California 95814

Dear Dr. Zeise:

Thank you for your letter of March 21, 2022, to the U.S. Environmental Protection Agency (EPA) regarding glyphosate and California's Safe Drinking Water and Toxics Enforcement Act of 1986, also known as Proposition 65.

Your letter proposes a revision to previously proposed safe harbor language that businesses could use to satisfy California's notification requirements for certain glyphosate products under Proposition 65. It further requested that EPA provide input on whether the newly proposed language could be approved, if requested by a pesticide registrant, for inclusion on pesticide labels for products containing glyphosate as an active ingredient and sold in California. As explained below, EPA could approve the newly proposed language.

The Agency continues to stand behind its robust scientific evaluation of the carcinogenic potential of glyphosate. Furthermore, EPA's conclusion remains consistent with many international expert panels and regulatory authorities (<https://www.regulations.gov/document/EPA-HQ-OPP-2009-0361-0073>).

Nonetheless, EPA recognizes that the revised safe harbor language proposed by the Office of Environmental Health Hazard Assessment (OEHHA) acknowledges the EPA position: CALIFORNIA PROPOSITION 65 WARNING: Using this product can expose you to glyphosate. The International Agency for Research on Cancer classified glyphosate as probably carcinogenic to humans. US EPA has determined that glyphosate is not likely to be carcinogenic to humans; other authorities have made similar determinations. A wide variety of factors affect your potential risk, including the level and duration of exposure to the chemical. For more information, including ways to reduce your exposure, go to www.P65Warnings.ca.gov/glyphosate.

The letter from OEHHA further requests that EPA clarify its position as previously stated in its August 7, 2019, letter to registrants regarding products that contain glyphosate. That 2019 letter focused on the application of the default Proposition 65 safe harbor warning language to products containing glyphosate and advised that EPA would no longer approve glyphosate labeling containing that statement because it was in conflict with the Agency's scientific conclusions regarding glyphosate. The Agency concluded that the standard warning language for products containing glyphosate was false or misleading and therefore, any glyphosate products bearing the statement would be considered misbranded.

While EPA's scientific conclusions regarding the glyphosate cancer classification have not changed since the August 7, 2019, letter to glyphosate registrants, it has determined that the new glyphosate-specific safe harbor language proposed in OEHHA's recent letter is sufficiently clear regarding EPA's position and thus would not be considered false and misleading. Therefore, this revised language could be approved by EPA if pesticide registrants requested it for inclusion on glyphosate product labels, and the products would not be considered misbranded. As stated in OEHHA's letter, EPA notes that inclusion on the product label is one of several methods that companies can use to satisfy California's notification requirements under Proposition 65.

EPA appreciates the constructive approach that California is pursuing to address this matter and looks forward to further strengthening our relationships with our stakeholders as we forge ahead together in our work. We thank you for taking the time to write on this important matter.

Sincerely,

**MICHAL
FREEDHOFF**

Digitally signed by
MICHAL FREEDHOFF
Date: 2022.04.08
13:26:16 -04'00'

Michal Freedhoff, Ph.D.
Assistant Administrator

From: [Goodis, Michael](#)
To: [Zeise, Lauren@OEHHA](#); [Messina, Edward](#)
Cc: [Edwards, David@OEHHA](#); [linda.lye](#)
Subject: RE: glyphosate carcinogenicity status
Date: Thursday, June 30, 2022 2:37:00 PM
Attachments: [image001.png](#)

Hi Lauren

The Ninth Circuit's ruling vacated the human health portion of the glyphosate interim decision and remanded it to EPA for further analysis and explanation; but the scientific conclusions regarding the cancer classification and associated documents remain the same at this time. Therefore, the Agency continues to have the same position on the proposed language for the Proposition 65 safe harbor warning expressed in Assistant Administrator Freedhoff's April 8, 2022 letter to OEHHA.

Let me know if you need anything else.

Michael L. Goodis, P.E.
Deputy Director for Programs
Office of Pesticide Programs (OPP)
Office of Chemical Safety and Pollution Prevention (OCSPP)
US Environmental Protection Agency
202-566-1246 (office)
571-309-5497 (cell)

From: Zeise, Lauren@OEHHA <Lauren.Zeise@oehha.ca.gov>
Sent: Monday, June 27, 2022 12:22 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Edwards, David@OEHHA <David.Edwards@oehha.ca.gov>; linda.lye <linda.lye@calepa.ca.gov>
Subject: RE: glyphosate carcinogenicity status

Thanks much. We'll look forward to hearing from you.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, June 27, 2022 4:39 AM
To: Zeise, Lauren@OEHHA <Lauren.Zeise@oehha.ca.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Edwards, David@OEHHA <David.Edwards@oehha.ca.gov>; Lye, Linda@EPA <linda.lye@calepa.ca.gov>
Subject: RE: glyphosate carcinogenicity status

EXTERNAL:

Hi Lauren

Just letting you know Ed is out this week, but we received your request and will be in touch. Thanks

Michael L. Goodis, P.E.
Deputy Director for Programs
Office of Pesticide Programs (OPP)
Office of Chemical Safety and Pollution Prevention (OCSPP)
US Environmental Protection Agency
202-566-1246 (office)
571-309-5497 (cell)

From: Zeise, Lauren@OEHHA <Lauren.Zeise@oehha.ca.gov>
Sent: Friday, June 24, 2022 8:40 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Edwards, David@OEHHA <David.Edwards@oehha.ca.gov>; linda.lye <linda.lye@calepa.ca.gov>
Subject: glyphosate carcinogenicity status

Dear Ed and Mike,

We would very much appreciate answers to the following questions related to the Ninth Circuit Court's June 17 decision. If we could hear back early next week we'd really appreciate it. It affects our rulemaking to adopt Proposition 65 warnings for glyphosate.

Given the court's vacatur and remand to EPA for further consideration the human health portion of the glyphosate 2020 Interim Decision,

- What is the status of EPA's current carcinogenicity classification for glyphosate and what document does EPA rely on for this?
- Does EPA still endorse the views on the proposed language for the Proposition 65 safe harbor warning expressed in Assistant Administrator Freedhoff's April 8, 2022 letter to OEHHA (attached)?

Please let us know if you have any questions regarding this request and would like to discuss them on a call.

Best regards,

Lauren

Lauren Zeise, PhD, Director

Office of Environmental Health Hazard Assessment,
California Environmental Protection Agency
1001 I Street, Sacramento, CA 95814
Mail: PO Box 4010, Sacramento, CA 95814-4010

| lauren.zeise@oehha.ca.gov



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